IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

WP(C).No. 25891 of 2007(G)

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AGAINST THE ORDER DATED 22/08/2007 IN IA.2430/2007 IN OS.515/2006 of PRL.M.C.,KANNUR

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PETITIONER: PLAINTIFF;-

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K.P.B. RAMLA
D/o.Rabiya, aged 46,
RASHI NIVAS, NEAR JOLLY SPORTS CLUB
PAZHANCHIRA, PAPPINISSERY AMSOM DESOM
KANNUR (DT)

BY ADV. SRI.SUNIL NAIR PALAKKAT
SMT.LEELA R.
SRI.K.N.ABHILASH

RESPONDENTS:/DEFENDANTS

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1. IMBICHI KOYA
   ANEESA MANZIL
   PAZHANCHIRA, PAPPINISSERY AMSOM DESOM
   KANNUR.
2. ABID KOYA
   ANEESA MANZIL
   PAZHANCHIRA, PAPPINISSERY AMSOM DESOM
   KANNUR.
3. HASEEB KOYA
   ANEESA MANZIL
   PAZHANCHIRA, PAPPINISSERY AMSOM DESOM
   KANNUR.
4. ASIYA
   ANNEESA MANZIL
   PAZHANCHIRA, PAPPINISSERY AMSOM DESOM
   KANNUR DISTRICT.
   BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**M.SASIDHARAN NAMBIAR,J.**

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W.P.(C) NO. 25891 OF 2007

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Dated this the 24th day of August, 2007

JUDGMENT

This petition is filed under Article 227 of the Constitution of India challenging Ext.P7 order whereunder Ext.P3 application filed under Rule 10 of Order 26 of C.P.C was dismissed by learned Munsiff. Case of petitioner is that Ext.P2 report submitted by the Commissioner has to be remitted back to the Commissioner for the reasons stated in the petition. Learned Munsiff dismissed the application granting liberty to the petitioner to examine the Commissioner and prove relevant fact.

2. I do not find any illegality or irregularity in the order warranting interference in exercise of the powers of this court under Article 227 of

Constitution of India.

Writ Petition is dismissed.

M.SASIDHARAN NAMBIAR
JUDGE

tpl/-

M.SASIDHARAN NAMBIAR, J.

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W.P.(C).NO. /06

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JUDGMENT

SEPTEMBER,2006